

1 AN ACT relating to child welfare.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 620.100 is amended to read as follows:

- 4 (1) If the court determines, as a result of a temporary removal hearing, that further  
5 proceedings are required, the court shall advise the child and his parent or other  
6 person exercising custodial control or supervision of their right to appointment of  
7 separate counsel:
- 8 (a) The court shall appoint counsel for the child to be paid for by the Finance and  
9 Administration Cabinet. Counsel shall document participation in training on  
10 the role of counsel that includes training in early childhood, child, and  
11 adolescent development. The clerk of the court shall arrange for service on all  
12 parties, including the local representative of the Cabinet for Health and Family  
13 Services, of the order appointing counsel. The fee to be fixed by the court  
14 shall not exceed five hundred dollars (\$500); however, if the action has final  
15 disposition in the District Court, the fee shall not exceed two hundred fifty  
16 dollars (\$250);
- 17 (b) The court shall appoint separate counsel for the parent who exercises custodial  
18 control or supervision if the parent is unable to afford counsel pursuant to  
19 KRS Chapter 31. The clerk of the court shall arrange for service on all parties,  
20 including the local representative of the Cabinet for Health and Family  
21 Services, of the order appointing counsel. The parent's counsel shall be  
22 provided or paid for by the Finance and Administration Cabinet. The fee to be  
23 fixed by the court shall not exceed five hundred dollars (\$500); however, if  
24 the action has final disposition in the District Court, the fee shall not exceed  
25 two hundred fifty dollars (\$250);
- 26 (c) The court shall appoint separate counsel for a person claiming to be a de facto  
27 custodian, as defined in KRS 403.270, if the person is unable to afford

1 counsel pursuant to KRS Chapter 31. The clerk of the court shall arrange for  
2 service on all parties, including the local representative of the Cabinet for  
3 Health and Family Services, of the order appointing counsel. The person's  
4 counsel shall be provided or paid for by the Finance and Administration  
5 Cabinet. The fee to be fixed by the court shall not exceed five hundred dollars  
6 (\$500); however, if the action has final disposition in the District Court, the  
7 fee shall not exceed two hundred fifty dollars (\$250);

8 (d) The court may, in the interest of justice, appoint separate counsel for a  
9 nonparent who exercises custodial control or supervision of the child, if the  
10 person is unable to afford counsel, pursuant to KRS Chapter 31. The clerk of  
11 the court shall arrange for service on all parties, including the local  
12 representative of the Cabinet for Health and Family Services, of the order  
13 appointing counsel. Counsel for the person shall be provided or paid for by the  
14 Finance and Administration Cabinet. The fee to be fixed by the court shall not  
15 exceed five hundred dollars (\$500); however, if the action has final  
16 disposition in the District Court, the fee shall not exceed two hundred fifty  
17 dollars (\$250); and

18 (e) The court may, in the interest of justice, appoint a court-appointed special  
19 advocate volunteer to represent the best interests of the child pursuant to KRS  
20 620.500 to 620.550. The clerk of the court shall arrange for service on all  
21 parties, including the local representative of the cabinet, of the order  
22 appointing the court-appointed special advocate volunteer.

23 (2) If the court determines that further proceedings are required, the court also shall  
24 advise the child and his parent or other person exercising custodial control or  
25 supervision that they have a right to not incriminate themselves, and a right to a full  
26 adjudicatory hearing at which they may confront and cross-examine all adverse  
27 witnesses, present evidence on their own behalf and to an appeal.

- 1 (3) The adjudication shall determine the truth or falsity of the allegations in the  
2 complaint. The burden of proof shall be upon the complainant, and a determination  
3 of dependency, neglect, and abuse shall be made by a preponderance of the  
4 evidence. The Kentucky Rules of Civil Procedure shall apply.
- 5 (4) The disposition shall determine the action to be taken by the court on behalf of the  
6 child and his parent or other person exercising custodial control or supervision.
- 7 (5) Foster parents, preadoptive parents, or relatives providing care for the child shall  
8 receive notice of, and shall have a right to be heard in, any proceeding held with  
9 respect to the child. This subsection shall not be construed to require that a foster  
10 parent, preadoptive parent, or relative caring for the child be made a party to a  
11 proceeding solely on the basis of the notice and right to be heard.

12 **(6) If the court determines that further proceedings are required, the court shall, in**  
13 **the interest of justice, have the ability to request that separate counsel is available**  
14 **to advise a cabinet employee in court anytime that the cabinet employee is**  
15 **required to be in court.**

16 ➔Section 2. KRS 620.142 is amended to read as follows:

- 17 (1) The cabinet shall develop custodial, permanency, and service options, including but  
18 not limited to monetary supports, that shall be available to a relative or fictive kin  
19 caregiver in the instance that a child, who would otherwise be placed in another out-  
20 of-home placement, is placed with him or her due to a cabinet finding that the child  
21 is abused, neglected, or dependent, as determined by an assessment or investigation  
22 conducted in accordance with this chapter. **The custodial, permanency, and service**  
23 **options available to a relative or fictive kin caregiver shall include but not be**  
24 **limited to:**
- 25 **(a) A notification form that explains and describes the process by which a**  
26 **relative or fictive kin caregiver can be certified as a child-specific foster**  
27 **home and the financial and support benefits that come with that type of**

- 1           placement;  
2           (b) A program for a one (1) time monetary benefit as established by an  
3           administrative regulation promulgated in accordance with KRS Chapter  
4           13A per child given to the relative or fictive kin caregiver at the time a child  
5           is placed with the relative or fictive kin caregiver; and  
6           (c) A detailed placement packet that lists all types of supports, financial and  
7           otherwise, that are available to a relative or fictive kin caregiver given to the  
8           relative or fictive kin caregiver at the time a child is placed with the relative  
9           or fictive kin caregiver.

10 (2) The cabinet shall disclose to a prospective relative or fictive kin caregiver each of  
11 the options established in subsection (1) of this section prior to the child's  
12 placement. The prospective relative or fictive kin caregiver shall select the option  
13 that best represents the level of care and support needed for the child while the child  
14 is receiving treatment and care in the placement with the relative or fictive kin  
15 caregiver.

16 (3) The custodial, permanency, and service options required by subsection (1) of this  
17 section shall reflect nationally recognized best practices.

18 (4) The cabinet shall maximize services available under federal and state law, including  
19 but not limited to Titles IV and XIX of the Social Security Act, to fulfill the  
20 requirements of this section.

21 (5) The cabinet shall promulgate administrative regulations in accordance with KRS  
22 Chapter 13A to implement this section.

23 ➔Section 3. KRS 620.360 is amended to read as follows:

24 (1) Persons who provide foster care services to children who have been committed to  
25 the custody of the state shall be considered a primary partner and member of a  
26 professional team caring for foster children. Foster parents shall have the following  
27 rights:

- 1 (a) To be treated with respect, consideration, and dignity;
- 2 (b) To fully understand the role of the cabinet and the role of other members of  
3 the child's professional team;
- 4 (c) To receive information and training about foster parents' rights,  
5 responsibilities, and access to local and statewide support groups, including  
6 but not limited to the Kentucky Foster/Adoptive Care Association, the  
7 Kentucky Foster and Adoptive Parent Network, and Adoption Support of  
8 Kentucky;
- 9 (d) To receive information and training to improve skills in the daily care and in  
10 meeting the special needs of foster children;
- 11 (e) To receive timely and adequate financial reimbursement for knowledgeable  
12 and quality care of a child in foster care within budgetary limitations;
- 13 (f) To maintain the foster family's own routines and values while respecting the  
14 rights and confidentiality of each foster child placed in their home;
- 15 (g) To receive a period of respite from providing foster care, pursuant to cabinet  
16 policies;
- 17 (h) To receive, upon an open records request, a copy of all information contained  
18 in the cabinet's records about the family's foster home and the foster care  
19 services provided by the family consistent with KRS 605.160;
- 20 (i) To access cabinet support and assistance as necessary twenty-four (24) hours  
21 per day, seven (7) days per week;
- 22 (j) To receive, prior to a child being placed in the foster home pursuant to KRS  
23 605.090, information relating to the child's behavior, family background, or  
24 health history that may jeopardize the health or safety of any member of the  
25 foster family's household, including other foster children, and similar  
26 information that may affect the manner in which foster care services are  
27 provided, consistent with KRS 605.160. In an emergency situation, the cabinet

- 1 shall provide information as soon as it is available;
- 2 (k) To refuse placement of a child within the foster home and to request, with  
3 reasonable notice to the cabinet, the removal of a child from the foster home  
4 without fear of reprisal;
- 5 (l) To communicate, with an appropriate release of information consistent with  
6 KRS 605.160, with other professionals who work directly with the foster  
7 child, including but not limited to teachers, therapists, and health care  
8 practitioners and to notify the cabinet within twenty-four (24) hours of the  
9 communication;
- 10 (m) To assist the cabinet in the development of the child's plan of care;
- 11 (n) To receive an explanatory notice from the cabinet, consistent with KRS  
12 620.130 and when it is in the best interest of the child, when a foster child's  
13 case plan has changed and, except in an immediate response to a child  
14 protective services investigation involving the foster home, an explanatory  
15 notice of termination or change in placement affecting the foster home within  
16 fourteen (14) days of the change or termination in placement;
- 17 (o) To have priority consideration for placement if a child who has previously  
18 been placed in the foster home reenters foster care, consistent with KRS  
19 605.130 and 620.130 and to the extent it is in the best interest of the child;
- 20 (p) To have priority consideration for adoption if a foster child who has been  
21 placed in the foster home for a period of at least twelve (12) consecutive  
22 months becomes eligible for adoption consistent with KRS 605.130 and  
23 620.130 and to the extent it is in the best interest of the child;
- 24 (q) To maintain contact with the foster child after the child leaves the foster  
25 home, unless the child, a biological parent, the cabinet when the cabinet  
26 retains custody of the child, or other foster or adoptive parent refuses such  
27 contact; and

- 1 (r) To receive notice of, have a right to attend, and have a right to be heard in,  
2 either verbally or in writing, any cabinet or court proceeding held with respect  
3 to the child currently placed in their care, provided the cabinet has no  
4 concerns related to maltreatment of the child while in the foster parent's  
5 care. This paragraph shall not be construed to require that a foster parent  
6 caring for the child be made a party to a proceeding solely on the basis of the  
7 notice and rights to attend and be heard.
- 8 (2) The responsibilities of foster parents shall include but not be limited to the  
9 following:
- 10 (a) To maintain an orderly and clean home;
- 11 (b) To ensure that the child has adequate resources for personal hygiene and  
12 clothing;
- 13 (c) To provide recreational and spiritual opportunities for the child, in accordance  
14 with cabinet policies;
- 15 (d) To attend all school and case planning meetings involving a foster child  
16 placed in their home whenever possible, subject to KRS 620.130 and the  
17 confidentiality requirements of 42 U.S.C. sec. 671;
- 18 (e) To abide by cabinet policies relating to discipline of a foster child; and
- 19 (f) To support the involvement of a foster child's biological family whenever  
20 possible and in accordance with cabinet policies.
- 21 (3) The cabinet shall provide specific training on investigations of alleged child abuse  
22 or neglect in a foster home to a person appointed by the Kentucky Foster/Adoptive  
23 Care Association. The training shall include the rights of a foster parent during an  
24 investigation. Training shall be consistent with 42 U.S.C. sec. 5106(a).
- 25 (4) The cabinet shall promulgate administrative regulations to establish that foster  
26 parent approval shall be effective for a minimum of three (3) years before  
27 reevaluation is required.

1 (5) Nothing in this section shall be construed to establish monetary liability of or cause  
2 of action against the cabinet.

3 ➔Section 4. KRS 625.060 is amended to read as follows:

4 (1) In addition to the child, the following shall be the parties in an action for  
5 involuntary termination of parental rights:

6 (a) The petitioner;

7 (b) The cabinet, if not the petitioner; and

8 (c) The biological parents, if known and if their rights have not been previously  
9 terminated. It shall not be necessary to make the putative father a party if he is  
10 exempted by KRS 625.065.

11 (2) Any party other than the child who is not the petitioner shall be a respondent.

12 (3) A foster parent of a child who is currently placed with the foster parent ***for a***  
13 ***minimum of six (6) months*** may intervene as a matter of right in any action for the  
14 involuntary termination of parental rights involving a child who is placed with the  
15 foster parent, ***provided the cabinet has no concerns related to maltreatment of the***  
16 ***child while in the foster parent's care.*** Such intervention may be made  
17 anonymously or in the true name of the foster parent. If proceeding anonymously,  
18 the foster parent shall be identified by initials and shall receive service through his  
19 or her counsel or, if not represented by counsel, by providing a preferred mailing  
20 address to receive notices from the court and other parties.

21 ➔Section 5. KRS 194A.030 is amended to read as follows:

22 The cabinet consists of the following major organizational units, which are hereby  
23 created:

24 (1) Office of the Secretary. Within the Office of the Secretary, there shall be an Office  
25 of the Ombudsman and Administrative Review, an Office of Legal Services, an  
26 Office of Inspector General, an Office of Public Affairs, an Office of Human  
27 Resource Management, an Office of Finance and Budget, an Office of Legislative

1 and Regulatory Affairs, an Office of Administrative Services, and an Office of  
2 Application Technology Services, as follows:

3 (a) The Office of the Ombudsman and Administrative Review shall be headed by  
4 an executive director who shall be appointed by the secretary with the  
5 approval of the Governor under KRS 12.050 and shall:

- 6 1. Investigate, upon complaint or on its own initiative, any administrative  
7 act of an organizational unit, employee, or contractor of the cabinet,  
8 without regard to the finality of the administrative act. Organizational  
9 units, employees, or contractors of the cabinet shall not willfully  
10 obstruct an investigation, restrict access to records or personnel, or  
11 retaliate against a complainant or cabinet employee;
- 12 2. Make recommendations that resolve citizen complaints and improve  
13 governmental performance and may require corrective action when  
14 policy violations are identified;
- 15 3. Provide evaluation and information analysis of cabinet performance and  
16 compliance with state and federal law;
- 17 4. Place an emphasis on research and best practices, program  
18 accountability, quality service delivery, and improved governmental  
19 performance;
- 20 5. Provide information on how to contact the office for public posting at all  
21 offices where Department for Community Based Services employees or  
22 contractors work, at any facility where a child in the custody of the  
23 cabinet resides, and to all cabinet or contracted foster parents;
- 24 6. Report to the Office of Inspector General **for review and investigation**  
25 any charge or case against an employee of the Cabinet for Health and  
26 Family Services where it has cause to believe the employee has engaged  
27 in dishonest, unethical, or illegal conduct or practices related to his or

1 her job duties; or any violation of state law or administrative regulation  
2 by any organization or individual regulated by, or contracted with the  
3 cabinet;

4 7. Compile a report of all citizen complaints about programs or services of  
5 the cabinet and a summary of resolution of the complaints and submit  
6 the report upon request to the Child Welfare Oversight and Advisory  
7 Committee established in KRS 6.943, and the Interim Joint Committee  
8 on Health and Welfare and Family Services;~~and~~

9 8. Include oversight of administrative hearings; and

10 9. Provide information to the Office of the Attorney General, when  
11 requested, related to substantiated violations of state law against an  
12 employee, a contractor of the cabinet, or a foster or adoptive parent;

13 (b) The Office of Legal Services shall provide legal advice and assistance to all  
14 units of the cabinet in any legal action in which it may be involved. The Office  
15 of Legal Services shall employ all attorneys of the cabinet who serve the  
16 cabinet in the capacity of attorney, giving legal advice and opinions  
17 concerning the operation of all programs in the cabinet. The Office of Legal  
18 Services shall be headed by a general counsel who shall be appointed by the  
19 secretary with the approval of the Governor under KRS 12.050 and 12.210.  
20 The general counsel shall be the chief legal advisor to the secretary and shall  
21 be directly responsible to the secretary. The Attorney General, on the request  
22 of the secretary, may designate the general counsel as an assistant attorney  
23 general under the provisions of KRS 15.105;

24 (c) The Office of Inspector General shall be headed by an inspector general who  
25 shall be appointed by the secretary with the approval of the Governor. The  
26 inspector general shall be directly responsible to the secretary. The Office of  
27 Inspector General shall be responsible for:

- 1           1.    The conduct of audits and investigations for detecting the perpetration of  
2            fraud or abuse of any program by any client, or by any vendor of  
3            services with whom the cabinet has contracted; and the conduct of  
4            special investigations requested by the secretary, commissioners, or  
5            office heads of the cabinet into matters related to the cabinet or its  
6            programs;
- 7           2.    Licensing and regulatory functions as the secretary may delegate;
- 8           3.    Review of health facilities participating in transplant programs, as  
9            determined by the secretary, for the purpose of determining any  
10           violations of KRS 311.1911 to 311.1959, 311.1961, and 311.1963;
- 11          4.    The duties, responsibilities, and authority pertaining to the certificate of  
12            need functions and the licensure appeals functions, pursuant to KRS  
13            Chapter 216B; and
- 14          5.    The notification and forwarding of any information relevant to possible  
15            criminal violations to the appropriate prosecuting authority;
- 16          (d)   The Office of Public Affairs shall be headed by an executive director  
17            appointed by the secretary with the approval of the Governor in accordance  
18            with KRS 12.050. The office shall provide information to the public and news  
19            media about the programs, services, and initiatives of the cabinet;
- 20          (e)   The Office of Human Resource Management shall be headed by an executive  
21            director appointed by the secretary with the approval of the Governor in  
22            accordance with KRS 12.050. The office shall coordinate, oversee, and  
23            execute all personnel, training, and management functions of the cabinet. The  
24            office shall focus on the oversight, development, and implementation of  
25            quality improvement services; curriculum development and delivery of  
26            instruction to staff; the administration, management, and oversight of training  
27            operations; health, safety, and compliance training; and equal employment

- 1 opportunity compliance functions;
- 2 (f) The Office of Finance and Budget shall be headed by an executive director  
3 appointed by the secretary with the approval of the Governor in accordance  
4 with KRS 12.050. The office shall provide central review and oversight of  
5 budget, contract, and cabinet finances. The office shall provide coordination,  
6 assistance, and support to program departments and independent review and  
7 analysis on behalf of the secretary;
- 8 (g) The Office of Legislative and Regulatory Affairs shall be headed by an  
9 executive director appointed by the secretary with the approval of the  
10 Governor in accordance with KRS 12.050. The office shall provide central  
11 review and oversight of legislation, policy, and administrative regulations.  
12 The office shall provide coordination, assistance, and support to program  
13 departments and independent review and analysis on behalf of the secretary;
- 14 (h) The Office of Administrative Services shall be headed by an executive  
15 director appointed by the secretary with the approval of the Governor in  
16 accordance with KRS 12.050. The office shall provide central review and  
17 oversight of procurement, general accounting including grant monitoring, and  
18 facility management. The office shall provide coordination, assistance, and  
19 support to program departments and independent review and analysis on  
20 behalf of the secretary; and
- 21 (i) The Office of Application Technology Services shall be headed by an  
22 executive director appointed by the secretary with the approval of the  
23 Governor in accordance with KRS 12.050. The office shall provide  
24 application technology services including central review and oversight. The  
25 office shall provide coordination, assistance, and support to program  
26 departments and independent review and analysis on behalf of the secretary;
- 27 (2) Department for Medicaid Services. The Department for Medicaid Services shall

1           serve as the single state agency in the Commonwealth to administer Title XIX of the  
2           Federal Social Security Act. The Department for Medicaid Services shall be headed  
3           by a commissioner for Medicaid services, who shall be appointed by the secretary  
4           with the approval of the Governor under KRS 12.050. The commissioner for  
5           Medicaid services shall be a person who by experience and training in  
6           administration and management is qualified to perform the duties of this office. The  
7           commissioner for Medicaid services shall exercise authority over the Department  
8           for Medicaid Services under the direction of the secretary and shall only fulfill those  
9           responsibilities as delegated by the secretary;

10       (3) Department for Public Health. The Department for Public Health shall develop and  
11       operate all programs of the cabinet that provide health services and all programs for  
12       assessing the health status of the population for the promotion of health and the  
13       prevention of disease, injury, disability, and premature death. This shall include but  
14       not be limited to oversight of the Division of Women's Health. The Department for  
15       Public Health shall be headed by a commissioner for public health who shall be  
16       appointed by the secretary with the approval of the Governor under KRS 12.050.  
17       The commissioner for public health shall be a duly licensed physician who by  
18       experience and training in administration and management is qualified to perform  
19       the duties of this office. The commissioner shall advise the head of each major  
20       organizational unit enumerated in this section on policies, plans, and programs  
21       relating to all matters of public health, including any actions necessary to safeguard  
22       the health of the citizens of the Commonwealth. The commissioner shall serve as  
23       chief medical officer of the Commonwealth. The commissioner for public health  
24       shall exercise authority over the Department for Public Health under the direction of  
25       the secretary and shall only fulfill those responsibilities as delegated by the  
26       secretary;

27       (4) Department for Behavioral Health, Developmental and Intellectual Disabilities. The

1 Department for Behavioral Health, Developmental and Intellectual Disabilities shall  
2 develop and administer programs for the prevention of mental illness, intellectual  
3 disabilities, brain injury, developmental disabilities, and substance abuse disorders  
4 and shall develop and administer an array of services and support for the treatment,  
5 habilitation, and rehabilitation of persons who have a mental illness or emotional  
6 disability, or who have an intellectual disability, brain injury, developmental  
7 disability, or a substance abuse disorder. The Department for Behavioral Health,  
8 Developmental and Intellectual Disabilities shall be headed by a commissioner for  
9 behavioral health, developmental and intellectual disabilities who shall be  
10 appointed by the secretary with the approval of the Governor under KRS 12.050.  
11 The commissioner for behavioral health, developmental and intellectual disabilities  
12 shall be by training and experience in administration and management qualified to  
13 perform the duties of the office. The commissioner for behavioral health,  
14 developmental and intellectual disabilities shall exercise authority over the  
15 department under the direction of the secretary, and shall only fulfill those  
16 responsibilities as delegated by the secretary;

17 (5) Office for Children with Special Health Care Needs. The duties, responsibilities,  
18 and authority set out in KRS 200.460 to 200.490 shall be performed by the office.  
19 The office shall advocate the rights of children with disabilities and, to the extent  
20 that funds are available, shall ensure the administration of services for children with  
21 disabilities as are deemed appropriate by this office pursuant to Title V of the Social  
22 Security Act. The office may promulgate administrative regulations under KRS  
23 Chapter 13A as may be necessary to implement and administer its responsibilities.  
24 The duties, responsibilities, and authority of the Office for Children with Special  
25 Health Care Needs shall be performed through the office of the executive director.  
26 The executive director shall be appointed by the secretary with the approval of the  
27 Governor under KRS 12.050;

- 1 (6) Department for Family Resource Centers and Volunteer Services. The Department  
2 for Family Resource Centers and Volunteer Services shall streamline the various  
3 responsibilities associated with the human services programs for which the cabinet  
4 is responsible. This shall include, but not be limited to, oversight of the Division of  
5 Family Resource and Youth Services Centers and Serve Kentucky. The Department  
6 for Family Resource Centers and Volunteer Services shall be headed by a  
7 commissioner who shall be appointed by the secretary with the approval of the  
8 Governor under KRS 12.050. The commissioner for family resource centers and  
9 volunteer services shall be by training and experience in administration and  
10 management qualified to perform the duties of the office, shall exercise authority  
11 over the department under the direction of the secretary, and shall only fulfill those  
12 responsibilities as delegated by the secretary;
- 13 (7) The Office of Health Data and Analytics shall identify and innovate strategic  
14 initiatives to inform public policy initiatives and provide opportunities for improved  
15 health outcomes for all Kentuckians through data analytics. The office shall provide  
16 leadership in the redesign of the health care delivery system using electronic  
17 information technology as a means to improve patient care and reduce medical  
18 errors and duplicative services. The office shall facilitate the purchase of individual  
19 and small business health insurance coverage for Kentuckians. The office shall be  
20 headed by an executive director appointed by the secretary with the approval of the  
21 Governor under KRS 12.050;
- 22 (8) Department for Community Based Services. The Department for Community Based  
23 Services shall administer and be responsible for child and adult protection, violence  
24 prevention resources, foster care and adoption, permanency, and services to enhance  
25 family self-sufficiency, including child care, social services, public assistance, and  
26 family support. The department shall be headed by a commissioner appointed by the  
27 secretary with the approval of the Governor in accordance with KRS 12.050;

- 1 (9) Department for Income Support. The Department for Income Support shall be  
2 responsible for child support enforcement and disability determination. The  
3 department shall serve as the state unit as required by Title II and Title XVI of the  
4 Social Security Act, and shall have responsibility for determining eligibility for  
5 disability for those citizens of the Commonwealth who file applications for  
6 disability with the Social Security Administration. The department shall be headed  
7 by a commissioner appointed by the secretary with the approval of the Governor in  
8 accordance with KRS 12.050; and
- 9 (10) Department for Aging and Independent Living. The Department for Aging and  
10 Independent Living shall serve as the state unit as designated by the Administration  
11 on Aging Services under the Older Americans Act and shall have responsibility for  
12 administration of the federal community support services, in-home services, meals,  
13 family and caregiver support services, elder rights and legal assistance, senior  
14 community services employment program, the state health insurance assistance  
15 program, state home and community based services including home care,  
16 Alzheimer's respite services and the personal care attendant program, certifications  
17 of assisted living facilities, the state Council on Alzheimer's Disease and other  
18 related disorders, and guardianship services. The department shall also administer  
19 the Long-Term Care Ombudsman Program and the Medicaid Home and  
20 Community Based Waivers Participant Directed Services Option (PDS) Program.  
21 The department shall serve as the information and assistance center for aging and  
22 disability services and administer multiple federal grants and other state initiatives.  
23 The department shall be headed by a commissioner appointed by the secretary with  
24 the approval of the Governor in accordance with KRS 12.050.